

# SUPREME COURT OF THE UNITED STATES

TERRENCE WILLIAMS *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 90-6835. Decided April 29, 1991

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of the position presently asserted by the Solicitor General in his brief for the United States filed March 21, 1991.

JUSTICE KENNEDY, with whom THE CHIEF JUSTICE and JUSTICE SCALIA join, dissenting.

I adhere to the view that we should not vacate a court of appeals' judgment favoring the Government when the Solicitor General disagrees with the reasoning of the court of appeals but defends its result. See *Diaz-Albertini v. United States*, 498 U. S. —, — (1991) (REHNQUIST, C. J., dissenting); *Alvarado v. United States*, 497 U. S. —, — (1990) (REHNQUIST, C. J., dissenting). That is the position the Government again takes in the case before us, and I dissent from the order granting certiorari, vacating the judgment, and remanding the case.